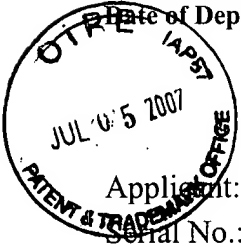


07-09-07  
Express Mail Label No.: EV 781046596 US

Attorney Docket No.: 27996-051

Date of Deposit: July 5, 2007



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jerry Freestone, *et al.*

Examiner: Michael Young Won

Serial No.: 09/668,875

Group Art Unit: 2155

Filed: September 25, 2000

Confirmation No.: 3055

Attorney Docket No.: 27996-051

Title: **METHOD FOR ANNOUNCING E-MAIL AND CONVERTING E-MAIL TO VOICE**

**MAIL STOP APPEAL BRIEF-PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Transmitted herewith for filing in the above-identified patent application are the following documents:

1. Appellants' Amended Brief pursuant to 37 C.F.R. §41.37 (25 pages) (in triplicate); and
2. Return Postcard.

The Commissioner is hereby authorized to charge any fee that may be due, or to credit any overpayment, to Deposit Account No. **50-0311**, Ref. No.: **27996-051**. A duplicate copy of this Transmittal Letter is enclosed.

Respectfully submitted,

Dated: July 5, 2007

Boris A. Matvenko, Reg. No. 48,165

Attorney for Applicants

MINTZ, LEVIN, COHN, FERRIS, *et al.*

666 Third Avenue

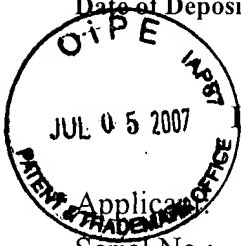
24<sup>th</sup> Floor

New York, NY 10017

Tel: (212) 935-3000

Fax: (212) 983-3115

Date of Deposit: July 5, 2007



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jerry Freestone, *et al.* Examiner: Michael Young Won  
Serial No.: 09/668,875 Group Art Unit: 2155  
Filed: September 25, 2000 Confirmation No.: 3055  
Attorney Docket No.: 27996-051  
Title: **METHOD FOR ANNOUNCING E-MAIL AND CONVERTING E-MAIL  
TO VOICE**

**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**APPELLANTS' AMENDED BRIEF PURSUANT TO 37 C.F.R. § 41.37**

Sir:

In accordance with a Notice of Appeal, filed on February 20, 2007, Applicants have previously submitted Appellants' Appeal Brief on April 20, 2007. A Notification of Non-Compliant Appeal Brief was mailed on June 5, 2007 requiring Appellants to correct certain informalities in the submitted Appeal Brief. In response to the June 5, 2007 Notification of Non-Compliant Appeal Brief, Appellants respectfully submit this Appellants' Amended Brief. Appellants further submit that all informalities have now been corrected. Should a clarification of record be necessary, Appellants invite a telephone call to their undersigned representative below.

Appellants have previously submitted a check for the fee of \$500.00 for filing of the April 20, 2007 Appellants' Brief in support of appeal. Thus, Appellants believe that no additional fees are due at this time. However, the Commissioner is authorized to charge any fees that may be due to the undersigned's deposit account no. **50-0311**, customer number **35437**, attorney docket no. **27996-051**.

(i). **Real Party-in-Interest:** All rights to the above referenced patent application have been assigned to:

Nortel Networks Limited  
World Trade Center of Montreal  
380 St. Antoine Street West, 8<sup>th</sup> Floor  
Montreal, Quebec H2Y 3Y4 CANADA

(ii). **Related Appeals and Interferences:** There are no known other appeals or interferences that would directly or indirectly affect the Board's decision in the present appeal.

(iii). **Status of the Claims:**

Claims 1-45 are pending in the U.S. Patent Application Serial No. 09/668,875 ("875 application"). Status of each claim is indicated in the enclosed Claims Appendix.

Claims 1-9, 12-19, 21-31, 33-41, and 44-45 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,732,216 to Logan (hereinafter, "Logan").

Claims 11, 20, 32, 42, and 43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of U.S. Patent no. 6,085,231 to Agraharam (hereinafter, "Agraharam").

(iv). **Status of Amendments:**

(a) A First Office Action was mailed February 6, 2004.

(b) A Notice of Abandonment was mailed September 7, 2004.

(c) A Petition for Revival of Unintentionally Abandoned Patent Application Under 37 C.F.R. 1.137(b) and a Response traversing rejections the Examiner's rejections in the September 7, 2004 Office Action were filed October 25, 2004.

(d) A Grant of the Petition for Revival was mailed on October 3, 2005.

- (e) A Final Office Action was mailed October 18, 2005.
- (f) A Response to the October 18, 2005 Final Office Action was filed December 19, 2005, traversing the Examiner's rejections.
- (g) An Advisory Action was mailed January 27, 2006
- (h) A Request for Continued Examination was filed February 15, 2006, traversing the Examiner's rejections.
- (i) An Office Action was mailed March 29, 2006.
- (j) A telephonic interview with the Examiner was conducted on July 27, 2006 again traversing the Examiner's rejections.
- (k) A response to the March 29, 2006 Office Action was filed July 31, 2006, traversing the Examiner's rejections.
- (l) A Final Office Action was mailed October 17, 2006.
- (m) A Response to the October 17, 2006 Office Action was filed December 15, 2006, traversing the Examiner's rejections.
- (n) An Advisory Action was mailed January 9, 2007.
- (o) A Notice of Appeal was filed February 20, 2007.
- (p) No amendment other than the December 15, 2006 Response to the October 17, 2006 Final Office Action (see, item "m" above) was filed after either the October 17, 2006 Final Office Action or the January 9, 2007 Advisory Action.

(v). **Summary of the Claimed Subject Matter:**

The present invention relates to a selective announcement system for announcing a receipt of electronic mail or instant messages (hereinafter, "email"), which have an attached sound file and a predetermined identifier identifying the nature of the sound file. The sound file

may be in a sender's voice, a third party's voice, a computer-simulated voice, or some combination. (Page 2, lines 9-13).

Upon receipt of the email, the attached sound file is played or used to convert some portion of the email text to voice. The sound file may be played at a recipient's computer, at a recipient's voice mail, or at some other terminal. (Page 2, lines 14-16).

The present invention also allows a context of an email to be translated to a voice message by using a voice sample. The voice message may be heard at the recipient's computer or it may be transferred to a recipient's voice mail. (Page 2, lines 17-19).

The email may be announced using a Call Screening Messaging and Intercept (hereinafter, "CMSI") at a Customer Premise Equipment (hereinafter, "CPE") terminal. This places the recipient of the email on notice that an email message is waiting to be downloaded from the server queue. The system may then convert the text of the email into voice and allow users to access their emails without actually having to access a computer terminal to read their emails. (Page 3, lines 2-12).

The sound file can be attached to the email either by the sender's computer, computer adjunct to the sender's computer, email server, or the recipient's computer. The sound file may contain default computer simulated sounds, announcements of sender's voice, voice imprint of the sender's voice, or any combination thereof. The sound file can be a .wav file or any other type of file. (Page 3, lines 13-21).

The email may also contain a predetermined identifier that details the nature of the attached sound file. The identifier distinguishes other sound files that may be attached to the email. The identifier can be a tag and appear anywhere in the email. The sender can be provided

with an option to turn off attachment of a voice file for all or some selected recipients. (Page. 4, lines 1-9).

The email(s) may be transmitted between different mail servers (e.g., sender's mail server and recipient's mail server) or within same mail server (i.e., sender's email is put in an appropriate email queue with the server). The recipient's mail server may allow the email to wait in the server queue until the message is downloaded by the recipient. Recipient's computer can detect the predetermined identifier and automatically open and play the sound file attached to the email (assuming an appropriate feature for playing the sound files is installed on the user's computer). (FIGS. 1-2; Page 4, lines 10-18). If multiple emails are received, the system can play sound files attached to the emails in the order they are received or any other order. The recipient may turn off the automatic playing of the sound file for all emails or for some emails. (Page 4, line 22 to Page 5, line 3).

The mail server can forward the sound file itself without sending the email to the recipient. After the sound file is played, the recipient may download the actual email from the server. (FIG. 1; Page 5, lines 4-17 ). The mail server can interact with the recipient's voice mail system and, upon receipt of an email, could contact the voice mail system and leave the attached sound file in the recipient's voice mail. (FIG. 1, Page 5, lines 18-20). The mail server can be programmed to contact recipient's CPE or recipient's voice mail system every time new email (or group of emails) is queued on the recipient's server. The mail server may also be programmed to contact recipient's CPE or voice mail system, every time it receives an email that matches a criteria on a preference list (e.g., sender's name, subject, dates). (FIG. 1; Page 6, lines 2-8).

The text content of an email can be converted to voice using the attached sound file as a sample. Locally stored voice samples, which may be longer, can be used as samples for greater accuracy. The conversion may be done by mail server, recipient's computer, or any other computer. This converted email can then be transferred to recipient's voice mail or played at recipient's computer. (Page 6, lines 9-17). Such conversion can be done for all emails or for selected emails that match criteria on a preference list (e.g., based on a specific sender, subject, date). This list can be the same as the email preference list discussed above. (Page 6, line 18 to Page 7, line 2).

The present invention allows a user to use his voice mail system to access his email. The voice mail system interacts with the email system to convert text of email messages into voice so that the voice mail system is able to play the messages for the user. After listening to the sound file attached to the email, the recipient can choose to convert the text of email to voice and listen to the converted email message. A voice sample file can be used to convert text of email to voice. (Page 7, lines 3-11).

The Applicants note that claims 1-45 stand and fall together. However, as required by MPEP 1205, 37 C.F.R. 41.37 (c)(1)(v), Applicants provide herewith specification reference points for each element in the independent claims 1, 8, and 24. Applicants note that these reference points are for exemplary purposes only and are not intended to limit the scope of claims 1-45.

At least Page 2, lines 9-16 and Page 3, lines 2-12 of the present application's specification describe the preamble of claim 1 that states: "An electronic message configured to be communicated between a sender's device and a recipient's device." At least Page 3, lines 2-21 describe: "a sound file attached to the electronic message." At least FIG. 1, Page 4, lines 1-9 and

Page 4, line 15 to Page 5, line 3 describe: “a predetermined identifier, associated with the sound file, that both distinguishes said sound file from other files attached to the message and indicates a course of action to be taken by the recipient’s device with said sound file.”

At least Page 2, lines 9-16 and Page 3, lines 2-12 of the present application’s specification describe the preamble of claim 8 that states: “A method for sending an electronic message from a sender’s device to a recipient’s device.” At least Page 3, lines 2-21 describe: “attaching a sound file to an electronic message.” At least FIG. 1, Page 4, lines 1-9 and Page 4, line 15 to Page 5, line 3 describe: “associating a predetermined identifier with said sound file, which both distinguishes said sound file from other files attached to the e-mail and which indicates a course of action to be taken by said recipient’s device with said sound file.”

At least Page 2, lines 9-16 and Page 3, lines 2-12 of the present application’s specification describe the preamble of claim 24 that states: “A method for announcing electronic messages.” At least Page 3, lines 2-21 describe: “receiving an electronic message with an attached sound file.” At least FIG. 1, Page 4, lines 1-9 and Page 4, line 15 to Page 5, line 3 describe: “noting the presence of a predetermined identifier that distinguishes said sound file from other files attached to the message.” At least Page 4, line 15 to Page 5, line 3 describe: “playing the attached sound file in response to the noting of the predetermined identifier.”

(vi). **Grounds of Rejection to be Reviewed on Appeal:**

Applicants contend that claims 1-9, 12-19, 21-31, 33-41, and 44-45 are novel and are not anticipated under 35 U.S.C. 102(b) by Logan.

Applicants further content that claims 11, 20, 32, 42, and 43 stand rejected under 35 U.S.C. 103(a) are patentable and are not rendered obvious by a combination of Logan Agraharam.



(vii). Argument:

- A. Independent claims 1, 8, and 24 are not anticipated under 35 U.S.C. 102(b) by Logan.

In the October 17, 2006 Final Office Action, the Examiner cited Logan as an anticipating reference with respect to claims 1-10, 12-19, 12-31, and 44-45.

Claim 1 of the present application recites an electronic message configured to be communicated between a sender's device and a recipient's device, the electronic message including a sound file attached to the electronic message and, a predetermined identifier, associated with the sound file, that both distinguishes the sound file from other files attached to the message and indicates a course of action to be taken by the recipient's device with the sound file.

In the October 17, 2006 Final Office Action, the Examiner stated, *inter alia*,

Logan teaches an electronic message configured to be communicated between a sender's device and a recipient's device, the electronic message comprising:

a sound file attached to the electronic message (see col. 42, line 67 to col. 43, line 2: "audio file attachment to an E-mail message"); and

a predetermined identifier, associated with the sound file, that both distinguishes said sound file from other files attached to the message (see col. 7, lines 30-35: "the filenames used to specify the files in the server 125 may conveniently be formed from the program\_id... to identify and differentiate the different program segments used"; and col. 15, lines 12-19: "Program\_ID"; and col. 45, lines 52-54) and indicates a course of action to be taken by the recipient's device with said sound file (see col. 7, lines 36-41: "identifies the order in which downloaded program segments are to be played"). (See, October 18, 2006 Final Office Action, page 3)

In response to Applicants' arguments, the Examiner reiterated his rejection set forth in the October 18, 2006 Final Office Action.

In the January 9, 2007 Advisory Action, the Examiner stated:

...regardless of whether Logan teaches a single message or many messages, the limitation reads, “a sound file attached to the electronic message” which is clearly and explicitly taught by the citation “the comment could be transmitted as an audio file attachment to an E-mail message” (see, col. 42, line 67 - col. 43, line 2). (January 9, 2007, Advisory Action, page 2).

Because Logan teaches that an audio file can be attached to an email (see above) and because Logan teaches that audio files include identifiers (see col. 16, lines 51-57; col. 17, lines 47-61; and col. 18, lines 22-27), it is inherent that when an audio file is attached to an email message, the corresponding ID is also attached. The remaining citations in the office action clearly and explicitly teach where the identifier “distinguishes said sound file from other files” (“identify and differentiate the different program segments”) and “indicates a course of action to be taken by the recipient’s device” (“order in which the downloaded program segments are to be played”). (January 9, 2007 Advisory Action, pages 3-4).

Logan discloses an audio message exchange system in which multiple exchanges of information are made between a host server and a player device (Logan, FIG. 1), with the end result being that a user of the player device can listen to audio content from the host server at times chosen by the user (e.g., programs and advertisements matching preferences associated with a user of the player device) and the user can submit to the host server audio annotations/comments regarding the content. These multiple exchanges within the Logan system include: the player device uploading user information/preferences to the host server (Logan, stage 203, FIG. 2, “Establish Account”), the host server compiling audio content matching the user preferences, the player device periodically contacting the host server to download the compiled audio content based on time of day clock (Logan, FIG. 1; Col. 5, lines 45-62; “Download Compilation”), the player device downloading the requested content and a recommended sequence file identifying a default order in which the audio content can be played back (which can be modified by the user before playback begins) (Logan, Col. 7, lines 36-45), a

user of the player device accessing the player device and entering a valid password (Logan, FIG. 3, "Accept Password"), the player device allowing the user to listen to the audio content in the default sequence or in a new order specified by the user, or to end the session altogether without the audio ever being played (Logan, Col. 11, line 16 to Col. 12, line 16), and a user of the player device submitting annotations and comments to audio content, which can be uploaded to the host server and/or stored locally by the player device (Logan, FIG. 3; Col. 19, lines 27-33, "Record User's Response").

In the October 17, 2006 Final Office Action, the Examiner cites to multiple, different and unrelated exchanges of information that occur within the Logan system, without ever pointing to a single electronic message that has a sound file attached and a predetermined identifier, where the predetermined identifier both distinguishes the sound file from other files which may be attached to the electronic message and indicates a course of action to be taken by the recipient's device with the sound file as required by claim 1. Some portions of Logan cited by the Examiner relate to downloads from the host server to the player device (Logan, Col. 7, lines 30-35 and Col. 7, lines 36-41), whereas other cited portions relate to processes performed solely by the player device (Logan, Col. 42, line 67 to Col. 43, line 2, Col. 7, lines 30-35 and Col. 15, lines 12-19).

Logan discloses that a comment/annotation generated by a user of the player device can be e-mailed as an audio attachment (e.g., a RealAudio file) to the e-mail address(es) of other subscribers. (Logan, Col. 42, line 67 to col. 43, line 2). Logan fails to disclose that the e-mail includes a predetermined identifier, associated with the sound file, that both distinguishes the sound file from other files attached to the message and indicates a course of action to be taken by the recipient's device with the sound file, as recited in claim 1. Further, Logan discloses a program\_id that identifies segments of the program but Logan does not disclose that the

program\_id is transmitted with the e-mail, or even mention the possibility of attaching other files to the e-mail. Whereas, the present invention's predetermined identifier is attached to the email, as recited in claim 1. Also, Logan's program\_id identifies different segments of a program that are to be played. (Logan, Col. 7, lines 30-46). This is contrary to a single sound file attached to the electronic message with which a predetermined identifier is associated, as recited in claim 1.

Logan also includes a player device that identifies files it wishes to download by their filenames using a program\_id. (Logan, Col. 7, lines 30-35). In contrast, Logan's program\_id value does not identify any course of action to be taken by the recipient device. In Logan, a user makes a request to download and play the files (i.e., program segments). The program\_id links the segments (Logan, Col. 16, lines 52-53) but does not provide any a course of action to be taken by the recipient's device with the sound file, as recited in claim 1. Logan's program\_id merely identifies the filenames of the audio files. Despite the presence of Logan's program\_id, the recipient device may take no action with the audio files. This is contrary to the present invention's predetermined identifier recited in claim 1. In Logan, a user must access the device (Logan, FIG. 3, "Accept Password") and then, if the user does not override the default program sequence (Logan, Col. 7, lines 36-45), the user may listen to the scheduled programming long enough to reach the scheduled playback position of the audio file. Thus, clearly the program\_id does indicate any course of action "to be taken by the recipient's device" with respect to the sound files, which is contrary to the recitation of claim 1.

Logan also discloses a "MARK" playback control that can be issued by a user of the player device to designate a program segment for future use. (Logan, FIG. 3; Col. 15, lines 12-19). The program\_id for that segment and the mark can be placed within a usage log (Logan, FIG. 2), from which the program segment can be reproduced, or forwarded as an attachment to

an e-mail. The “MARK” function designation is done by the user and is not attached to an electronic message. As stated previously, Logan fails to disclose that a `program_id` is transmitted with the e-mail, or even mention the possibility of attaching other files to the e-mail. This is contrary to the present invention’s predetermined identifier, associated with the sound file, that both distinguishes the sound file from other files attached to the message and indicates a course of action to be taken by the recipient’s device with the sound file, as recited in claim 1.

In the October 17, 2006 Final Office Action, the Examiner referred to Col. 45, lines 52-54, which is Logan's dependent claim 2 that states that a user of the player device can provide an audio annotation for an audio program, wherein the audio annotation includes identification data specifying a position in an audio program to which the annotation relates. (Logan, Claim 2). Logan’s comments and annotations can be uploaded from the player device to the host server for later download by other player devices downloading the same audio program. (Logan, Col. 43, lines 11-15 and Col. 41, lines 49-51). Logan’s identifier associated with the audio annotation fails to identify any course of action to be taken by the recipient device. This is in contrast to the recitation of a predetermined identifier in claim 1 of the present application. Logan’s identifier merely identifies the position in an audio program to which the annotation relates. Despite the presence of this identifier, the recipient device takes no action with the audio files unless a user directs the action, which is contrary to the recitation of a predetermined identifier in claim 1.

Logan further teaches that data (sequence file) downloaded by the player device from the host server provisionally identifies the order in which downloaded program segments are to be played, where the order is based on user preference data stored by the host server. (Logan, Col. 7, lines 36-41). The sequence file references the program segments by their `program_id`. (Logan, FIG. 5). This is contrary to the Examiner’s position that a `program_id` meets the criteria for the

“predetermined identifier” of claim 1 because Logan’s sequence file determines an order in which the program segments might possibly be played back and references the program segments by their program\_id. Logan’s user may choose not to access the player device, may choose to override the default program sequence defined by the sequence file, or may not listen to the scheduled programming long enough to reach the scheduled playback position of any given audio file. In other words, it is the user who must take the action, not the player device, and the user may take no action with the audio files, which is different than the present invention’s predetermined identifier of claim 1.

Thus, Logan fails to disclose all elements of claim 1 and, hence, does not anticipate it. Applicants respectfully request that claim 1 be allowed.

Claims 8 and 24 are not anticipated by Logan for at least the reasons stated above with regard to claim 1. As such, the rejection of claims 8 and 24 are respectfully traversed. Applicants request allowance of these claims.

Claims 2-7, 9-23, and 25-45 are allowable over Logan for at least the reasons stated above with respect to claim 1. As such, Examiner’s rejection of claims 2-7, 9-23, and 25-45 is respectfully traversed. Applicants further request allowance of these claims.

B. Claims 11, 20, 32, 42, and 43 are not rendered obvious under 35 U.S.C. 103(a) by a combination of Logan and Agraharam

In the October 17, 2006 Final Office Action, the Examiner rejected claims 11, 20, 32, 42, and 43 under 35 U.S.C. 103(a) as being unpatentable over Logan in view Agraharam.

With regard to claims 11, 20, 32, and 42, the Examiner stated:

...Logan further teaches where said attaching is performed by the sender’s device (see claim 9 rejection above), wherein the information tag is embedded by the sender’s device or by a computer at a sending party’s end (see claim 7 rejection above),

and wherein said converting is performed at a computer at the receiving party's end.

Logan does not explicitly teach of an adjunct to a sender or a receiver for performing these steps. Agraharam teaches of an adjunct (see col. 3, lines 20-29).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Logan in view of Agraharam so that the attaching, embedding, or converting is performed by an adjunct. One would be motivated to do so because Logan teaches that numerous embodiments may be made to the structure and functions without departing from the spirit and scope of the invention (see col. 45, lines 19-25). Therefore, by separating functionality into different adjunct devices, load on one processor is reduced.

With regard to claim 43, the Examiner stated that Logan discloses all elements of claim 43 but "does not explicitly teach wherein said converting is performed at a voice messaging system." The Examiner further stated that

[i]t would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Logan in view of Agraharam so that the converting is performed at a voice messaging system. One would be motivated to do so because Logan teaches that compressed audio or text can be 'converted into audio form by a conventional speech synthesis program' (see col. 3, lines 37-41).

As stated above, Logan fails to teach all elements of independent claims 1, 8, 24. Claims 11, 20, 32, 42, and 43 are dependent on claims 1, 8, and 24, respectively. As such, Logan also fails to teach all elements of claims 11, 20, 32, 42, and 43. Contrary to the Examiner's suggestion, Agraharam does not cure the deficiencies of Logan.

Agraharam discloses a subscriber-to-alias telephone number email system that can retrieve both voice-mail message and email message by accessing only an email system. (Agraharam, Abstract). Agraharam converts voice mail messages and attaches them to emails for transmission over the Internet. A subscriber of the Agraharam system is able to retrieve emails containing converted voice mails and listen to them. (Agraharam, Col. 1, line 51 to Col. 2, line

9). This is in contrast to present invention's an electronic message that includes a sound file attached to the electronic message and a predetermined identifier, associated with the sound file, that both distinguishes the sound file from other files attached to the message and indicates a course of action to be taken by the recipient's device with the sound file, as recited in claim 1.

There is no suggestion or motivation to combine the teachings of Logan and Agraharam except the present invention. Logan is directed to an audio program and message distribution system in which a host system organizes and transmits program segments to client subscriber locations. Logan employs identifiers which identify locations within a program. Agraharam teaches a system that converts voicemail messages for attachment to emails so that users can use their email systems to listen to these messages. Even if Logan and Agraharam were combined in the manner suggested, the present invention would not be realized. The combination of Logan and Agraharam renders a system that converts voicemail messages for attachment to emails and sends them in segments, where segments are identified by a program\_id. Thus, one skilled in the art, facing the problems that the Applicants faced would not combine these references as the Examiner suggests and would not come up with the invention which the applicants conceived.

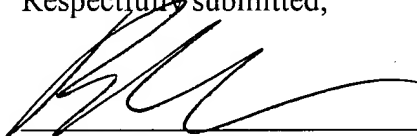
Thus, the combination of Logan and Agraharam does not support a prima facie case of obviousness as suggested by the Examiner and the rejection of claims 11, 20, 32, 42 and 43 is respectfully traversed. The Examiner is respectfully requested to reconsider and withdraw his rejection of the claims.



**CONCLUSION**

All pending claims of the application are valid over the cited references. The claims currently presented are proper and definite. Allowance of the application is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'R. Lehrer', written over a horizontal line.

Dated: July 5, 2007

Richard M. Lehrer, Reg. No. 38,536  
Boris A. Matvenko, Reg. No. 48,165  
Attorney/Agent for Applicants  
MINTZ LEVIN COHN FERRIS, *et al.*  
666 Third Avenue - 24<sup>th</sup> Floor  
New York, New York 10017  
(212) 935-3000  
(212) 983-3115

(viii). **Claims Appendix:**

Status of each claim is indicated in parenthesis following a number of a claim:

1. (Rejected) An electronic message configured to be communicated between a sender's device and a recipient's device, the electronic message comprising:  
  
a sound file attached to the electronic message; and,  
  
a predetermined identifier, associated with the sound file, that both distinguishes said sound file from other files attached to the message and indicates a course of action to be taken by the recipient's device with said sound file.
2. (Rejected) The method of Claim 1 wherein said sound file contains at least one word in a sender's voice.
3. (Rejected) The method of Claim 1 wherein said sound file contains at least one word in a computer simulated voice.
4. (Rejected) The method of Claim 1 wherein said sound file contains at least one word in a computer simulated voice and at least one word in a sender's voice.
5. (Rejected) The method of Claim 1 wherein the predetermined identifier is a specific file name associated with said sound file.

6. (Rejected) The method of Claim 1 wherein the predetermined identifier is an information tag.
7. (Rejected) The method of Claim 6 wherein the information tag is embedded in a header of the electronic message.
8. (Rejected) A method for sending an electronic message from a sender's device to a recipient's device comprising:
  - attaching a sound file to an electronic message; and,
  - associating a predetermined identifier with said sound file, which both distinguishes said sound file from other files attached to the e-mail and which indicates a course of action to be taken by said recipient's device with said sound file.
9. (Rejected) The method of Claim 8 wherein said attaching is performed by the sender's device.
10. (Rejected) The method of Claim 8 wherein said attaching is automatic.
11. (Rejected) The method of Claim 8 wherein said attaching is performed by an adjunct to the sender's device.
12. (Rejected) The method of Claim 8 wherein said attaching is performed by an e-mail server.

13. (Rejected) The method of Claim 8 wherein said attaching is performed by the a recipient's device.

14. (Rejected) The method of Claim 8 wherein said sound file contains at least one word in a sender's voice.

15. (Rejected) The method of Claim 14 wherein said sound file further contains at least one word in a computer simulated voice.

16. (Rejected) The method of Claim 8 wherein said sound file contains at least one word in a computer simulated voice.

17. (Rejected) The method of Claim 8 wherein the predetermined identifier is an information tag.

18. (Rejected) The method of Claim 17 wherein the information tag is embedded in a header of the electronic message.

19. (Rejected) The method of Claim 18 wherein the information tag is embedded by the sender's device.

20. (Rejected) The method of Claim 18 wherein the information tag is embedded by an adjunct to the sender's device.

21. (Rejected) The method of Claim 18 wherein the information tag is embedded by an e-mail server.

22. (Rejected) The method of Claim 18 wherein the information tag is embedded by the recipient's device.

23. (Rejected) The method of Claim 18 where said attaching is selectively performed by a sending party.

24. (Rejected) A method for announcing electronic messages comprising:  
receiving an electronic message with an attached sound file;  
noting the presence of a predetermined identifier that distinguishes said sound file from other files attached to the message; and,  
playing the attached sound file in response to the noting of the predetermined identifier.

25. (Rejected) The method of Claim 24 further comprising receiving at least one more electronic message with an attached sound file and playing said at least one more sound file.

26. (Rejected) The method of Claim 24 wherein said sound file contains at least one word in a sender's voice.

27. (Rejected) The method of Claim 24 wherein said sound file contains at least one word in a computer simulated voice.

28. (Rejected) The method of Claim 24 wherein said sound file contains at least one word in a computer simulated voice and at least one word in a sender's voice.

29. (Rejected) The method of Claim 24 wherein noting the presence of a predetermined identifier includes noting the presence of an information tag.

30. (Rejected) The method of Claim 29 wherein the information tag regarding the sound file is embedded in a header of the electronic message.

31. (Rejected) The method of Claim 30 wherein the information tag is embedded by a sender computer.

32. (Rejected) The method of Claim 30 wherein the information tag is embedded by an adjunct to a computer at a sending party's end.

33. (Rejected) The method of Claim 30 wherein the information tag is embedded by an e-mail server.

34. (Rejected) The method of Claim 30 wherein the information tag is embedded by a recipient computer.

35. (Rejected) The method of Claim 24 where said playing is selective.

36. (Rejected) The method of Claim 24 where said playing is performed at a recipient computer.

37. (Rejected) The method of Claim 24 where said playing is performed at a recipient customer premise equipment.

38. (Rejected) The method of Claim 24 where said playing is performed at a recipient voice mail.

39. (Rejected) The method of Claim 24 further comprising converting the content of the electronic message to a voice message.

40. (Rejected) The method of Claim 39 where said converting is performed at an e-mail server.

41. (Rejected) The method of Claim 39 where said converting is performed at a recipient computer.

42. (Rejected) The method of Claim 39 where said converting is performed at an adjunct to a computer at the receiving party's end.

43. (Rejected) The method of Claim 39 where said converting is performed at a voice messaging system.

44. (Rejected) The method of Claim 39 wherein said converting is performed using a sound file as a voice sample.

45. (Rejected) The method of Claim 39 further comprising transferring said voice message to a voice-mail box.



Express Mail Label No.: EV 781046596 US  
Date of Deposit: July 5, 2007

Attorney Docket No.: 27996-051

(ix). **Evidence Appendix:**

Not Applicable.

Express Mail Label No.: EV 781046596 US  
Date of Deposit: July 5, 2007

Attorney Docket No.: 27996-051

(x). **Related Proceedings Appendix:**

Not Applicable.